IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

RP.No. 866 of 2005(B)

AGAINST THE JUDGEMENT/ORDER IN WA.66/2000
DATED 10.6.2005
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PETITIONERS/APPELLANTS:
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1. **JOSEPH CYRIAC, MANAGER,**
   NORTH MALABAR GRAMIN BANK, PAYANGADY BRANCH,
   P.O.PAYANGADY, KANNUR DISTRICT.

2. **C.GOVINDANKUTTY, MANAGER,**
   NORTH MALABAR GRAMIN BANK, THONIDIYIL BRANCH,
   P.O. THONDIYIL, VIA. PERAVOOR, KANNUR DISTRICT.

3. **D.GOVINDA PAI, MANAGER,**
   NORTH MALABAR GRAMIN BANK, KALCHNADKA BRANCH,
   P.O.KALCHANADKA, VIA. PARAPPA, KASARAGOD DISTRICT.

4. **K.S.MANI, MANAGER,**
   NORTH MALABAR GRAMIN BANK, IRITTY BRANCH,
   P.O.IRITTY, CANNANORE DISTRICT.

5. **P.PUSHPARAJAN, MANAGER,**
   NORTH MALABAR GRAMIN BANK, KARIKKOTTAKARY BRANCH,
   P.O.KOOMANTHODU, VIA. PAYAM, KANNUR DISTRICT.

6. **S.MAYANKUTTY, MANAGER,**
   NORTH MALABAR GRAMIN BANK, CHEMPANTHOTTY BRANCH,
   P.O.CHEMPANTHOTTY, VIA. SREEKANDAPURAM,
   KANNUR DISTRICT.

7. **K.NARAYANAN, MANAGER,**
   NORTH MALABAR GRAMIN BANK, PADIYOTCHAL BRANCH,
   P.O.PADIYOTCHAL, VIA. CHERUPUZHA, KASARAGOD DIST.

8. **K.JANARDHANAN, MANAGER,**
   NORTH MALABAR GRAMIN BANK, KOYYAM BRANCH,
   P.O.KOYYAM, VIA. KARIMBAM, KANNUR DISTRICT.

9. V.K.USHA, OFFICER,
NORTH MALABAR GRAMIN BANK, POOKODE BRANCH,
P.O.POOKODE, KUTHUPARAMBA, KANNUR DISTRICT.

10. M.P.PAVITHRAN, MANAGER,
NORTH MALABAR GRAMIN BANK, H.O.ADV DEPARTMENT,
P.B.NO.59, KANNUR - 1.

11. C.K.PREMA, OFFICER,
NORTH MALABAR GRAMIN BANK, TELLICHERRY BRANCH,
P.O.TELLICHERRY, KANNUR DISTRICT.

12. V.P.VASANTHAKUMARI, MANAGER,
NORTH MALABAR GRAMIN BANK, KANHANGAD BRANCH,
P.O.KANHANGAD, KASARAGOD DISTRICT.

13. M.KUNHIRAMAN NAMBIAR, MANAGER,
NORTH MALABAR GRAMIN BANK, PARAPPA BRANCH,
P.O.PARAPPA, KASARAGOD DISTRICT.

14. M.SURESH RAO, MANAGER,
NORTH MALABAR GRAMIN BANK, BAKRABAIL BRANCH,
P.O.PATHUR, VIA, MANJESWAR, KASARAGOD DISTRICT.

15. V.K.CHANDUKUTTY NAIR, MANAGER,
NORTH MALABAR GRAMIN BANK, VELLARIKUNDU BRANCH,
P.O.VELLARIKUNDU, KASARAGOD DISTRICT.

16. C.M.RAMACHANDRAN, MANAGER,
PERALAM BRANCH P.O., KOZHUMMAL, KASARAGOD DISTRICT

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.P.K.SANTHAMMA
SRI.GEORGE SEBASTIAN
SRI.GEORGE MATHEWS
SRI.PREM DOMINIC

RESPONDENTS:
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1. NORTH MALABAR GRAMIN BANK,
REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE, KANNUR.

2. THE GENERAL MANAGER,
NORTH MALABAR GRAMIN BANK,
PERSONNEL ADMINISTRATION & INDUSTRIAL RELATIONS
DEPARTMENT, KANNUR.

3. THE NATIONAL BANK FOR AGRICULTURAL AND RURAL DEVALOPMENT (NABARD), POONAM CHAMBERS, 1ST FLOOR, DR.ANNIE BASANT ROAD, WORLI, BOMBAY - 400 010.

BY ADV. SRI.M.P.R.NAIR
SRI.DEVAN RAMACHANDRAN,S.C.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007 ALONG WITH R.P.865/2005, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.T.SANKARAN, JJ.

R.P.NOS.865 & 866 OF 2005
IN
W.A.NOS.172 & 66 OF 2000 ()

Dated this the 21st day of March, 2007

O R D E R

KOSHY,J.

These review petitions are filed with petitions to condone delay of 83 days. The judgment under review was pronounced in open court after hearing in the presence of the counsel for the petitioner. We see no ground to condone the long delay in filing the review petition. All the points argued were considered in the judgment. Even though it was mentioned in the writ appeal that petitioners are not liable to refund any amount that point was not argued. Such a point was not seen argued before the learned Single Judge also. The points which was not argued cannot be again raised by changing the Advocate and filing a review petition through another Advocate. Since the point in question was not argued there is

no question of reviewing the judgment. There is no apparent error in the judgment. However if the petitioners are issued with any demand, it is for them to challenge the same according to law. With the above observations both the review petitions are dismissed.

J.B.KOSHY, JUDGE

K.T.SANKARAN, JUDGE

prp

J.B.KOSHY & K.THANKAPPAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

8th December, 2006